



PATENT
Attorney Docket No. 03260.0148-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
GOODWIN, et al.) Group Art Unit: 1649
Application No.: 10/623,808) Examiner: Michael T. Brannock
Filed: July 22, 2003) Confirmation No.: 5275
For: CYTOKINE DESIGNATED 4-1BB)
LIGAND AND HUMAN RECEPTOR)
THAT BINDS THERETO)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

Applicants now respond to the Restriction Requirement dated June 15, 2006, the period for response having been extended to November 15, 2006, by a Petition for Extension of Time and fee payment filed concurrently herewith.

In making the restriction requirement, the Examiner appears to have considered original claims 1-47. However, as described below, claims 1-47 are not pending in this application. Accordingly, Applicants respectfully request that the Office withdraw the restriction requirement and consider the pending claims.

Applicants filed a Preliminary Amendment in this application on May 26, 2004. That amendment canceled original claims 1-47 and added new claims 48-76. Applicants attach a copy of the Preliminary Amendment and related papers filed on

May 26, 2004, and a copy of their stamped postcard, as evidence that the filing was deposited at the U.S. Patent and Trademark Office on May 26, 2004.

Applicants have reviewed the Office's records in this case on the Patent Application Information Retrieval (PAIR) website. It appears that the Office's records do not reflect that the Preliminary Amendment was filed. Applicants request that the Office correct its records and enter the Preliminary Amendment.

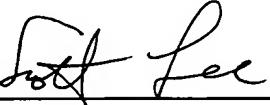
As indicated in the Preliminary Amendment, claims 67-74 were copied from United States Patent No. 6,569,997 B1 (the "997 patent"), within a year of the issue date of the '997 as prescribed by 35 U.S.C. § 135(b)(1). And claims 75 and 76 were copied from United States Patent Application Publication No. US 2003/0100745 A1 (the "745 application").

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 15, 2006

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